

1 COOLEY LLP
BOBBY GHAJAR (198719)
2 (bghajar@cooley.com)
COLETTE GHAZARIAN (322235)
3 (cghazarian@cooley.com)
1333 2nd Street, Suite 400
4 Santa Monica, California 90401
Telephone: (310) 883-6400

5 MARK WEINSTEIN (193043)
(mweinstein@cooley.com)
6 KATHLEEN HARTNETT (314267)
(khartnett@cooley.com)
7 JUDD LAUTER (290945)
(jlauter@cooley.com)
8 Elizabeth L. Stameshkin (260865)
(lstameshkin@cooley.com)
9 3175 Hanover Street
Palo Alto, CA 94304-1130
10 Telephone: (650) 843-5000

11 LEX LUMINA PLLC
MARK A. LEMLEY (155830)
12 (mlemley@lex-lumina.com)
745 Fifth Avenue, Suite 500
13 New York, NY 10151
Telephone: (646) 898-2055

14 CLEARY GOTTlieb STEEN & HAMILTON LLP
ANGELA L. DUNNING (212047)
15 (adunning@cgsh.com)
1841 Page Mill Road, Suite 250
16 Palo Alto, CA 94304
Telephone: (650) 815-4131

17 *Counsel for Defendant Meta Platforms, Inc.*
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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 RICHARD KADREY, *et al.*,
23 Individual and Representative Plaintiffs,
24 v.
25 META PLATFORMS, INC., a Delaware
corporation;
26 Defendant.
27

Case No. 3:23-cv-03417-VC-TSH

DECLARATION OF TIM DETTMERS

Trial Date: None
Date Action Filed: July 7, 2023

1 I, Tim Dettmers, declare:

2 1. I am a Ph.D. graduate of the University of Washington, and previously worked at
3 Meta Platforms, Inc. (“Meta”) from March 2020 to March 2022. I have personal knowledge of the
4 facts contained in this Declaration and, if called as a witness, could competently testify to them
5 under oath.

6 2. I started working at Meta in March 2020 in Meta’s Facebook AI Research (FAIR)
7 team, a group within Meta that focuses on artificial intelligence (AI) research. I was part of a joint
8 program between the University of Washington and Meta in which students at the University could
9 work for Meta on a part-time basis for up to two years. I am a German native, and prior to pursuing
10 my Ph.D. at the University of Washington, I received my master’s degree from the University of
11 Lugano in Switzerland.

12 3. My title at Meta was “Visiting Researcher,” and I worked with Meta on a part-time
13 basis for two years while also pursuing my Ph.D. at the University of Washington. During my time
14 at Meta, I ultimately reported to Luke Zettlemoyer, who was a Research Director at FAIR, a
15 professor at the University of Washington, and my faculty advisor.

16 4. I worked on a number of AI projects during my time at Meta, some of them relating
17 to Large Language Models or “LLMs.” Generally speaking, an LLM is an artificial intelligence
18 technology that can be used to generate human-readable text and perform other language-related
19 tasks. One of the steps involved in creating an LLM is known as “training,” in which a large amount
20 of textual data is fed into an AI model in order to refine the model to enable it to process and
21 generate human-readable text. The term “data set” is commonly used to describe a set of textual
22 data used to train an LLM.

23 5. My work at Meta included researching how to make LLMs more efficient using a
24 procedure called “LLM.int8()”. As a part of that effort, I co-authored the paper “LLM.int8(): 8-bit
25 Matrix Multiplication for Transformers at Scale” with several FAIR colleagues, including Dr.
26 Zettlemoyer. None of my research or work at Meta related to the Llama LLM.

27 6. In late 2020, an organization known as EleutherAI released a data set for LLM
28 training known as the “The Pile.” Our team considered using The Pile to further our research.

1 7. Beginning in mid-November 2020, members of my team sought legal advice from
2 Meta's in-house counsel concerning the use of certain datasets.

3 8. Shortly thereafter, I sought to communicate (and potentially collaborate) with
4 EleutherAI. EleutherAI at that time had an on-line community on Discord, an on-line service for
5 allowing groups of users to communicate with each other using text-based messaging. Online
6 communities on Discord are commonly referred to as "servers," and each server can have one or
7 more dedicated "channels" in which members can communicate on discrete topics. I joined the
8 EleutherAI server in late 2020; at that time, an invitation was required. To the best of my
9 recollection, discussions of The Pile on the EleutherAI server on Discord were not heavily
10 trafficked during this time period. AI training was a niche field of research, and EleutherAI, which
11 was formed in mid-2020, was the first organization to create a public, large-scale dataset for training
12 (i.e., The Pile).

13 9. Beginning on November 26, 2020, I began messaging with two individuals affiliated
14 with EleutherAI through the Discord server: Stella Biderman, (whose Discord username was
15 stellaathena) and Leo Gao (whose Discord username was bmk1476), both of whom I understood
16 were part of the core team at EleutherAI. My messages initially inquired whether they knew of
17 legal concerns with using The Pile dataset. I received responses from Ms. Biderman and Mr. Gao
18 expressing their view that use of the dataset should be "fair use," but they also stated that they were
19 not experts and could not provide legal advice on this topic.

20 10. During this time period, my supervisors, including Dr. Zettlemoyer, and I received
21 communications from in-house lawyers at Meta concerning the use of datasets for our research. I
22 posted some of this information to the EleutherAI server on Discord. For example, on December
23 18, 2020, I posted messages to the EleutherAI server describing the legal advice and
24 recommendations that I had received from in-house lawyers at Meta about the use of certain data
25 sets in our research. I posted additional messages in January 2021 describing additional legal
26 advice that I had received from Meta's in-house lawyers.

27 11. The communications on this topic ended in about mid-January 2021. During that
28 time period, I thought my messages were viewable only by individuals at EleutherAI and those

1 invited to EleutherAI's Discord server and did not realize that my messages may have been
2 viewable by a broader group of people. After my communications on the EleutherAI Discord server
3 on this topic ended in January 2021, I did not hear anything further about them until December
4 2023, when I was informed that my Discord communications were summarized and referenced
5 publicly in a document filed in a copyright lawsuit against Meta.

6 12. I shared the legal advice that I received from Meta's in-house lawyers in the spirit
7 of sharing information and collaborating with EleutherAI, but I realize today that I should not have
8 done so. I had a general understanding of the concept of attorney-client privilege, and that
9 communications from Meta's attorneys should not be shared outside Meta, based on trainings I
10 received at the start of my employment at Meta. However, it did not occur to me at that time that
11 my messages could be problematic. I did not inform anyone at Meta that I was sharing legal advice
12 that I had received from Meta's lawyers with individuals on the EleutherAI Discord server, and I
13 did not have permission from Meta (or anyone else) to do so.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
15 27th day of June 2024 at Seattle, Washington.

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